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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4552

11 **FREDERICK LAMAR JOHNSON**
12 **P.O. Box 23041**
13 **Oakland, CA 94623**

A C C U S A T I O N

14 **Pharmacist License No. RPH 61283**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about August 6, 2008, the Board of Pharmacy issued Pharmacist License
21 Number RPH 61283 to Frederick Lamar Johnson (Respondent). The Pharmacist License was in
22 full force and effect at all times relevant to the charges brought herein and will expire on April 30,
23 2014, unless renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
26 Consumer Affairs, under the authority of the following laws. All section references are to the
27 Business and Professions Code (Code) unless otherwise indicated.

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1 FACTUAL BACKGROUND

2 10. On or about November 8, 2011, officer(s) of the Oakland Police Department were
3 dispatched to a residence in Oakland, California to respond to a report of a domestic disturbance
4 made by a female resident. The reporting party also stated that there was a gun in the house.

5 11. The reporting officer(s) made contact with Respondent and the female victim-witness
6 in the residence. The victim-witness made several statements about Respondent to the officer(s),
7 including that he had allegedly grabbed her by the shoulders and shoved her, that he had hit and
8 punched her in the past, and that Respondent had a handgun in the house.

9 12. Respondent stated that he and his girlfriend had been arguing, but otherwise offered a
10 different account of events in which his girlfriend threatened him with a knife. When asked by
11 the officer(s) if there was a gun in the house, Respondent said no. He said he used to have a gun,
12 but it was stolen sometime in March 2011. After the victim-witness said she had seen a gun more
13 recently in the house, the officer(s) asked for Respondent's consent to search the residence. He
14 refused, and the officer(s) secured a search warrant. Respondent then directed the officer(s) to a
15 black semiautomatic 9mm pistol, on which the serial number had been obliterated/scratched off.

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17 FIRST CAUSE FOR DISCIPLINE

18 (Conviction of Substantially Related Crime(s))

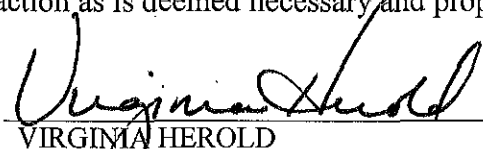
19 13. Respondent is subject to discipline under section 4301(l) and/or section 490 of the
20 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
21 a substantially related crime, in that on or about August 22, 2012, in the criminal case *People v.*
22 *Frederick Lamar Johnson*, Case No. 574667 in Alameda County Superior Court, Respondent was
23 convicted of violating Penal Code section 23920 (Purchase, Sale, Possession, or Transfer of an
24 Unmarked Firearm), a misdemeanor, and Penal Code section 273.5 (Infliction of Corporal Injury
25 on Spouse/Cohabitant), also a misdemeanor, as follows:

26 a. On or about November 10, 2011, based on the conduct described in the arrest
27 reports relating to paragraphs 10 to 12, Respondent was charged in Case No. 574667 in Alameda
28 County Superior Court with four felonies and three special allegations.

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3. Taking such other and further action as is deemed necessary and proper.

DATED: 5/9/13



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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